

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRED DEN, individually and
on behalf of all others similarly
situated,

Plaintiffs

v.

CIVIL ACTION NO. 03-12211-DPW
(LEAD CASE)

BOSTON COMMUNICATIONS GROUP, INC.,
ET AL.,

Defendants

RONALD C. WON, individually and
on behalf of all others similarly
situated,

Plaintiffs

v.

CIVIL ACTION NO. 03-12244-DPW

BOSTON COMMUNICATIONS GROUP, INC.,
ET AL.,

Defendants

MICHAEL F. STALKA, individually and
on behalf of all others similarly
situated,

Plaintiffs

v.

CIVIL ACTION NO. 03-12486-DPW

BOSTON COMMUNICATIONS GROUP, INC.,
ET AL.,

Defendants

SIMON A. BULKO, individually and
on behalf of all others similarly
situated,

Plaintiff

CIVIL ACTION NO. 04-10081-DPW

v.

BOSTON COMMUNICATIONS GROUP, INC.,
ET AL.,

Defendants

**SCHEDULING ORDER, ORDER RE: ELECTRONIC FILING, AND
ORDER FOR CONSOLIDATION**

WOODLOCK, D.J.

This Order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases, either by settlement or trial.

The above-entitled action having been heard on January 29, 2004, it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) **ORDER FOR CONSOLIDATION**: it is hereby ORDERED that Civil Action No. 03-12211-DPW, Civil Action No. 03-12244-DPW, Civil Action No. 03-12486-DPW (reassigned from Chief Judge Young) and Civil Action No. 04-10081-DPW be, and they hereby are, CONSOLIDATED. Any further filings in these cases shall indicate the lead docket as Civil Action No. 03-12211-DPW, and shall only be filed in Civil Action No. 03-12211-DPW. Civil Action Nos 03-12486-DPW, 03-12244-DPW and 04-10081-DPW shall be terminated from the docket as pending cases, in view of this Order for Consolidation;
- (2) **ELECTRONIC FILING**: All future submissions in this case are subject to electronic filing and all counsel who choose to appear must make arrangements to register for participation in electronic case filing, if they have not already done so. In addition to electronically filing any pleading, counsel shall also file all submissions relating to dispositive matters with the Court in hard copy, clearly marked "**Courtesy Copy - Do Not Scan**" on the cover page of each pleading/submission. Notices, orders and memoranda of the Court will only be filed and served electronically.

- (3) the Court appoints the **Feldman Group** as Lead Plaintiffs in the consolidated action, and approves **Goodkind Labaton Rudoff & Sucharow LLP** as Lead Counsel for the class;
- (4) By no later than **MARCH 15, 2004**, the lead plaintiffs shall file and serve an Amended Complaint; by no later than **APRIL 30, 2004** the defendants shall file and serve an Answer or a Motion to Dismiss the Amended Complaint; if a Motion to Dismiss is filed, the lead plaintiffs shall file an opposition to the Motion to Dismiss by **JUNE 2, 2004**; and defendants may file a reply brief by **JUNE 23, 2004**. Discovery is stayed pending ruling on the motion to dismiss or further order of this Court;
- (5) A motion hearing or further scheduling/status conference will be set at a later time. By **JULY 12, 2004**, the parties shall file a STATUS REPORT indicating the current status of the case, including discovery proceedings, settlement discussions, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the further conference.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

/s/ Rebecca Greenberg
Deputy Clerk

DATED: January 29, 2004